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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PAULA C. CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,437

Applicant(s)

FUKUDA, KAZUHIRO

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the preliminary amendment filed on 12/11/2000.

This action is made Non-Final.

2. In the amendment, claims 3-6 have been added. Claims 1-6 are pending in the case. Claims 1, and 3-4 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # 11 076598 filed in Japan on 3/19/1999, which papers have been placed of record in the file.

Drawings

4. The drawings filed on 3/10/2000 have been approved by the examiner.

Specification

5. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because length of the amendments to the specification makes it difficult for entry into the application.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If

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the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites: "*creating content information according to a predetermined specification*" in lines 1-2. However, in lines 3-6, the claim recites: "*the content information including a scene including an object for creating the content information*". There seems to be a contradiction in these two limitations. On one hand, content information is created, containing a scene. On the other hand, the scene of the previously created content information has an object, and this object creates the content information, which already exists, and which contains the creating object. It is unclear how the object creates the content information, which has already been created.

8. Claims 1-2 recite the limitation "said shared objects" in claim 1, line 31. There is insufficient antecedent basis for this limitation in the claim. There is no previous mention of the "shared objects" in the claim.

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9. Claim 2 recites the limitation "said set specific shared scenes" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. There is no previous mention of the "set specific shared scenes " in claim 1.

10. Claims 4-6 recite the limitation "the objects" in claim 4, line 4. There is insufficient antecedent basis for this limitation in the claim. There is no previous mention of the "objects" in the claim.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 4-6 are rejected under 35 U.S.C. 101 because claim 4 comprises a method that reads on a human user carrying out the invention mentally. Additionally, claim 4 also reads on a scene creation, where a human user could be carrying out the invention mentally plus pencil and paper.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al, hereinafter Cook (Pat.# 6,201,948 B1,3/13 2001, filed on 3/16/1998).

Regarding independent claim 1, Cook discloses the presentation of a series of screens--*creating content information--* produced with JAVA computer language--*predetermined specification--*, and which contain areas--*scenes--*, and subareas, which include textual, graphical, animated, video objects, (col.20 , lines 3-12, and col.22, lines 48-col.23, line 67). The areas contain buttons, such as the "MYBOOK", "MATHHW" (area 306), "NEXTPAGE", "FIRSTPAGE" (area 304), etc., (fig.3, 321), for controlling what's displayed on the screen--*output format of the scene*.

Moreover, Cook teaches agent processing formats for the display of an agent persona in area 303--*defining a shared object*, for interacting with students (fig. 3-4, col.23, lines 12-18). The persona is shared among all areas 501, 502--*scenes--* of the screen in fig.4.

Moreover, Cook teaches arranging several icons in area 306—*define a shared scene--*, which is to be used in conjunction with, and is sharing the screen with other areas, in a bookshelf metaphor--*virtual scene usable by the plurality of scenes* (fig. 3-4, col.24, lines 4-14).

Moreover, Cook teaches a material engine—*shared scene creator--* for interpreting specification for the display of the various areas, which include the "MYBOOK", "MATHHW", etc., icons within area 306, in accordance to a definition in the specification (fig. 3-4, col.24, lines 4-14).

Moreover, Cook teaches a homework tab 312 for displaying homework content in an area 304. The homework area 304—*set a specific shared scene to be used for each of the scenes--* is

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used in interacting with bookshelf 306, and persona agent 303(fig. 3-4, col.24, lines 4-14, 43-67). Cook fails to explicitly disclose *a shared-scene setter operable to set a specific shared scene*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the *shared-scene setter*, because Cook teaches the benefit of ultimately displaying of content to a student (col.23, lines 15-67).

Moreover, Cook teaches behavior processing format objects—*shared-object setter*-- for representing or defining the agent persona (fig. 3-4, col.23, lines 12-18).

Furthermore, Cook teaches executive software—a *describer*-- for displaying description of controls—*control information*-- used for controlling the selection of content in areas—a *state of utilization of said shared objects*--, such as those used to display of math homework, reading homework, dictionary display, etc. and display material to be utilized, in each of the areas, which depend on material needed by the user from area 306 to aid with shared scene, such as homework completion (fig. 3-4, col.23, lines 15-67).

Regarding claim 2, which depends on claim 1, Cook discloses the display of a number of screens in accordance with a certain format. The screens are displayed in a certain order--*an order of superposition of a plurality of shared scenes*-- through icons and menu items, such as the screen in fig.3, "MY BOOK", "MATHHW", etc., (306), HW (312), a next page, first page (321). The selection of the icons, and menu items lead the user, from the current screen, to respective screens which contain various educational information (col.22, lines 59-col.24, line 67). The icons, and menu items, which access and display--*superimpose*--the educational materials--*shared objects*--on the screen, controlling the order in which the user chooses to

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display the various educational materials. These icons include textual description, explaining the materials which are accessed, such as "HW" for homework, "MATHHW" for math homework, etc., and are located or based on the location of the areas--*order of superposition of the plurality of set specific shared scenes*.

Claim 3 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Regarding claim 4, Cook discloses the display of a number of areas—*scenes--*, such as 303, 304, and 306, for displaying educational information, individually, such as icons in 306 for accessing dictionary information, homework tab 312 in 304 displaying homework sections, and agent persona in 303 for interacting with a user (col.24, lines 4-67, fig.3).

Limitations: *defining a shared scenesetting a specific shared scene from the shared scenes created in the shared scene creating step*, are directed to similar limitations found in claim 1, therefore are likewise rejected.

Moreover, Cook discloses the display of a number of areas—*creating a plurality of scenes--*, such as 303, 304, and 306, for displaying educational information, individually, such as icons in 306 for accessing dictionary information, homework tab 312 in 304 displaying homework sections, and agent persona in 303 for interacting with a user (col.24, lines 4-67, fig.3).

Moreover, Cook teaches displaying homework content in an area 304—*content information*. The homework area 304 is used for displaying homework information

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simultaneously with areas 303, and 306. The same area 304 is used when displaying different homework information using tabs 312 (fig. 3-4, col.24, lines 4-14, 43-67).

Furthermore, Cook teaches that the selection of a homework section tab, such as "HW1", for displaying homework information—*shared object*--, which is used for interacting with the different areas of the screen—*sharing a shared object among the plurality of scenes*, and which is displayed according to a predetermined format, such as text—*predetermined specification* (fig. 3-4, col.23, lines 1-67, col.24, lines 4-14, 43-67).

Claim 5-6 are directed towards a method for implementing the steps of claims 1-2 respectively, and therefore are similarly rejected.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirsch (Pat. # 6,282,547), Ferrel et al. (Pat. # 6,199,082), and Katai et al. (Pat. # 5,666,542).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



CESAR B PAULA
Patent Examiner
Art Unit 2178

3/8/04